

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>GROOMS HAULING, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CORPORAL LOUIS ROBINSON, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	: : : : : : : : : :	<p>CIVIL ACTION</p> <p>No. 18-5405</p>
---	--	--

**DEFENDANTS' ANSWER TO AMENDED COMPLAINT
WITH AFFIRMATIVE DEFENSES**

Defendants, Louis Robinson (“Robinson”), Patrick Fetterman (“Fetterman”), and William McCardle (“McCardle”), by their undersigned counsel, hereby answer Plaintiffs’ Amended Complaint, as follows:

1. Admitted on information and belief.
2. Admitted on information and belief.
3. Admitted on information and belief.
4. Admitted on information and belief.
5. Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph.
6. Admitted in part, denied in part. It is admitted only that Robinson is a white male. The remainder of this paragraph is denied as containing multiple conclusions of law to which no response is required.
7. Admitted in part, denied in part. It is admitted only that Fetterman is a white male. The remainder of this paragraph is denied as containing multiple conclusions of law to which no response is required.

8. Admitted in part, denied in part. It is admitted only that McCardle is a white male. The remainder of this paragraph is denied as containing multiple conclusions of law to which no response is required.

9. Denied as stated.

10. Denied as a conclusion of law to which no response is required.

11. Denied as a conclusion of law to which no response is required.

12. Denied as a conclusion of law to which no response is required.

13. Denied as a conclusion of law to which no response is required.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph.

15. Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph.

16. Denied as stated.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied as stated.

22. Denied.

23. Denied.

24. Denied.

25. Admitted in part, denied in part. It is admitted only that Fetterman informed Mr. Grooms of the violation. Any allegation that this statement came after the alleged acts or statements appearing in the preceding paragraphs is denied.

26. Admitted in part, denied in part. It is admitted only that Mr. Grooms could not produce the document at issue in this paragraph. Any allegation of “validity” is denied as stating a conclusion of law to which no response is required.

27. Denied.

28. Denied.

29. Denied as stated.

30. Admitted.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Admitted in part, denied in part. It is admitted only that Fetterman issued a citation to Mr. Grooms. The remaining averments of this paragraph are denied.

36. Admitted on information and belief.

37. Denied.

38. Denied.

39. Admitted in part, denied in part. It is admitted only that Mr. Grooms spoke to Robinson by phone. It is denied that Robinson was located in Harrisburg. Defendants are without knowledge or information sufficient to form a belief as to Mr. Grooms’ reasons for calling.

40. Admitted in part, denied in part. It is admitted only that Robinson is a Corporal. The remaining averments of this paragraph are denied.

41. Denied as stated. By way of further answer, although Mr. Grooms claimed “that he was in compliance,” such a claim is of no consequence.

42. Denied.

43. Denied.

44. Defendants are without knowledge or information sufficient to form a belief as to the truth of this paragraph.

45. Admitted on information and belief.

46. Denied.

47. Denied as stated.

48. Denied.

49. Denied.

50. Denied.

51. Admitted.

52. [omitted by Plaintiffs]

53. [omitted by Plaintiffs]

54. Admitted on information and belief.

55. Denied as stated. By way of further answer, Robinson's viewing of the dashboard was in connection with the truck's low air warning.

56. Denied.

57. Admitted.

58. This paragraph purports to summarize the contents of traffic citations, which are documents that speak for themselves; any characterizations inconsistent therewith are denied.

59. This paragraph purports to summarize the contents of a writing, which speaks for itself; any characterizations inconsistent therewith are denied.

60. Denied.

61. Admitted.

62. Denied as stated.

63. Denied.

COUNT I – Equal Protection (Race)

64. Defendants incorporate the preceding paragraphs by reference as if set forth in full herein.

65. Denied as a conclusion of law to which no response is required.

66. Denied as a conclusion of law to which no response is required. To the extent this paragraph is deemed factual in nature, it is denied.

67. Denied as a conclusion of law to which no response is required.

68. Denied as a conclusion of law to which no response is required.

COUNT II – Equal Protection (Gender)

69. Defendants incorporate the preceding paragraphs by reference as if set forth in full herein.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied as a conclusion of law to which no response is required.

75. Denied as a conclusion of law to which no response is required.

76. Denied as a conclusion of law to which no response is required.

COUNT III – “Violation of 42 U.S.C. § 1983”

77. Defendants incorporate the preceding paragraphs by reference as if set forth in full herein.

78. Denied as a conclusion of law to which no response is required.

79. Denied.

80. Denied as a conclusion of law to which no response is required.

81. Denied as a conclusion of law to which no response is required.

COUNT IV – Conspiracy

82. Defendants incorporate the preceding paragraphs by reference as if set forth in full herein.

83. Denied.

84. Denied.

85. Denied.

86. Denied as a conclusion of law to which no response is required.

87. Denied as a conclusion of law to which no response is required.

88. Denied as a conclusion of law to which no response is required.

89. Denied as a conclusion of law to which no response is required.

90. Denied as a conclusion of law to which no response is required.

COUNT V – State Equal Protection

91. Defendants incorporate the preceding paragraphs by reference as if set forth in full herein.

92. Denied as a conclusion of law to which no response is required.

93. Denied as a conclusion of law to which no response is required.

94. Denied as a conclusion of law to which no response is required.

95. Denied as a conclusion of law to which no response is required.

WHEREFORE, Defendants Louis Robinson, Patrick Fetterman, and William McCardle respectfully request that Plaintiffs' Amended Complaint be dismissed and that judgment be entered in their favor.

FIRST AFFIRMATIVE DEFENSE

Count III of the Amended Complaint fails to state an independent claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Count V of the Amended Complaint fails to state a claim upon which relief can be granted, as there is no private cause of action for damages under the Pennsylvania Constitution.

THIRD AFFIRMATIVE DEFENSE

Defendants' actions, if any, were taken for legitimate, nondiscriminatory reasons.

FOURTH AFFIRMATIVE DEFENSE

Defendants are entitled to Eleventh Amendment immunity.

FIFTH AFFIRMATIVE DEFENSE

Defendants are entitled to qualified immunity.

SIXTH AFFIRMATIVE DEFENSE

State sovereign immunity bars Plaintiffs' state law claims.

WHEREFORE, Defendants Louis Robinson, Patrick Fetterman, and William McCardle respectfully request that Plaintiffs' Amended Complaint be dismissed and that judgment be entered in their favor.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

Date: April 10, 2019

Office of Attorney General
1600 Arch Street, 3rd Floor
Philadelphia, PA 19103
Phone: (215) 560-2136
Fax: (717) 772-4526
mskolnik@attorneygeneral.gov

By: /s/ Matthew Skolnik

Matthew Skolnik
Deputy Attorney General
Attorney I.D. No. 89423

Keli M. Neary
Chief Deputy Attorney General
Civil Litigation Section

CERTIFICATE OF SERVICE

I, Matthew Skolnik, hereby certify that the foregoing Defendants' Answer to Amended Complaint has been filed electronically on April 10, 2019 and is available for viewing and downloading from the Court's Electronic Case Filing system by all counsel of record.

By: /s/ Matthew Skolnik
Matthew Skolnik
Deputy Attorney General